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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/870,624

05/31/2001

Scott J. Broussard

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1775

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03/03/2009

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EXAMINER

BONSHOCK, DENNIS G

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/870,624	<b>Applicant(s)</b> BROUSSARD, SCOTT J.	
	<b>Examiner</b> DENNIS G. BONSHOCK	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10-31-08 and 12-4-08</u> .                                    | 6) <input type="checkbox"/> Other: _____                          |

**Non-Final Rejection**

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment as received on 10-31-2008.
2. Claims 10-17 have been examined.

Status of Claims:

3. Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nason, Patent #6,727,918, Fowler, "Mixing heavy and light components", and Wei, Publication Number: 2003/0200254.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 recites the limitation "re-displaying a second image" in line 8. There is insufficient antecedent basis for this limitation in the claim. Specifically the second image is never displayed for a first time.

Claim 17 recites the limitation "the second object" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2173

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nason, Patent #6,727,918, Fowler, "Mixing heavy and light components", and Wei, Publication Number: 2003/0200254.

12. With regard to claim 10, Nason teaches implementing two different APIs, one independent of OS and one dependent on OS, to generate images (see column 5, lines 18-22 and lines 45-63), and a reading and rewriting of screen display information, where the primary GUI information is maintained by replacing the primary GUI with a secondary GUI (see column 25, lines 27-40). Nason also teaches the use of Java, but doesn't get in to the Java API specifics. Fowler teaches a system of mixing two APIs similar to that of Nason (see page 1, paragraphs 1 and 2), but further teaches specifics of Java's interfaces AWT and Swing, where AWT uses heavyweight components (components that associate with native screen resources, and thus are dependent on the operating system), and where Swing uses lightweight components (components that borrow from screen resources of an ancestor, and thus are independent of the operating system) (see page 2, paragraphs 1 and 3). Fowler further teaches, on page 7, the components having the same look and feel. It would have been obvious to one of ordinary skill in the art, having the teachings of Nason and Fowler before him at the time the invention was made to modify the system of using two APIs, of Nason, to include the use of the AWT and Swing APIs, as did Fowler. One would have been motivated to

Art Unit: 2173

make such a combination because AWT and Swing are two well-known APIs in Java, which is taught by Nason. Also the use of the combination of AWT and Swing, which have been proven to be usable together (see Fowler page 1, paragraph 2), would add an element of platform independence to the invention of Nason.

However, Nason and Fowler don't specifically teach the steps of replacing the interface, re-running the application program, and re-displaying the second image. Wei teaches a method for translating GUI presentations via Java APIs (see paragraphs 8 and 9), similar to that of Nason and Fowler, but further teaches replacing the native interface (see paragraph 118), re-running the application (see paragraphs 122-127), and displaying the image (button in the example) with the new UI (see paragraph 125). It would have been obvious to one of ordinary skill in the art, having the teachings of Nason, Fowler, and Wei before him at the time the invention was made to modify the UI changing systems of Nason and Fowler to include the method steps of Wei. One would have been motivated to make such a combination because this provides an orderly method for allowing the new UI to run to allow the change to take effect.

5. With regard to claim 11, which teaches the first and second images comprising pixels presented upon the display via the graphical user interface associated with the application program, Nason further teaches, in column 6, lines 14-37, the use of pixels for presenting the image on the display.

6. With regard to claim 12, which teaches the first and second images comprise images of an object selected from a group comprising buttons, list boxes, and slide bars on which a pointer device can be directed by a user, Nason teaches, in column 6, lines

Art Unit: 2173

25-30, the display not being limited to, buttons, menus, application output controls animations, and use input controls. Further more, Fowler teaches, on page 1, paragraph 1, Swing an AWT containing components such as buttons, lists, and the like.

7. With regard to claim 13, which teaches an application program written in Java programming language, Nason further teaches, in column 5, lines 60-63, the content controller including content and operating software such as JAVA.

8. With regard to claim 14, which teaches the software component comprising a java application program interface consisting of an abstract windowing toolkit (AWT) during a second time, Nason further teaches, the use Java in the system. Fowler teaches a system in which two APIs can be used, similar to that of Nason, but also teaches the use of Swing and AWT in the same application program (see page 1, paragraph 2). It would have been obvious to one of ordinary skill in the art, having the teachings of Nason and Fowler before him at the time the invention was made to modify the system of using two APIs, of Nason, to include the use of the AWT and Swing APIs, as did Fowler. One would have been motivated to make such a combination because AWT and Swing are two well-known APIs used in Java, which is also mentioned in Nason (see column 1, line 39 and column 10, line 40). Also the use of the combination of AWT and Swing, which have been proven to be usable together (see Fowler page 1, paragraph 2), would add an element of platform independence to the invention of Nason.

9. With regard to claim 15, which teaches the software component comprising a java application program interface consisting of an Swing application program interface

Art Unit: 2173

during a first time, Nason further teaches, the use Java in the system. Fowler teaches a system in which two APIs can be used, similar to that of Nason, but also teaches the user of Swing and AWT in the same application program (see page 1, paragraph 2). It would have been obvious to one of ordinary skill in the art, having the teachings of Nason and Fowler before him at the time the invention was made to modify the system of using two APIs, of Nason, to include the use of the AWT and Swing APIs, as did Fowler. One would have been motivated to make such a combination because AWT and Swing are two well-known APIs used in Java, which is also mentioned in Nason (see column 1, line 39 and column 10, line 40). Also the use of the combination of AWT and Swing, which have been proven to be usable together (see Fowler page 1, paragraph 2), would add an element of platform independence to the invention of Nason.

10. With regard to claim 16, which teaches the operating system comprising a Windows, Unix, or OS/2 computer operating system, Nason further teaches, in column 2, lines 46-50, the use of operating systems such as Windows, Linux, Apple's Macintosh OS/2, or Unix.

11. With regard to claim 17, which teaches the first and second images presenting the same look and feel upon the display independent of the operating system, Fowler further teaches, on page 2, that the java look and feel, that of AWT and Swing, that provides a distinctive platform-independent look and feel.

***Response to Arguments***

The arguments filed on 10-31-2008 have been fully considered but they are not persuasive. Reasons set forth below.

Applicant's arguments with respect to claims 10-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DENNIS G. BONSHOCK whose telephone number is (571)272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2173

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis G. Bonshock/  
Primary Examiner, Art Unit 2173  
2-18-09  
dgb